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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,667	07/12/2001	Katsutoshi Nishimoto	109498	2099

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EXAMINER

CABRERA, ZOILA E

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 02/11/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/902,667

**Applicant(s)**

NISHIMOTO ET AL.

**Examiner**

Zoila E. Cabrera

**Art Unit**

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2, 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

The mailing address of the fourth inventor is missing, appropriate correction is required.

### ***Claim Objections***

2. Claims 18-19 are objected to because of the following informalities: It appears to be a typographical error since claim 18 is missing on page 12, line 1. Appropriate correction is required. For purposes of examination Examiner has treated claim 18 as corresponding to lines 1-4 of Page 12.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 12-17 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Inui et al. (US 5,204,821)**.

Regarding claims 1, 9 and 17, **Inui** discloses a parts procurement system comprising:

- virtual production line preparation means for preparing a virtual production line in which objects manufactured thereon are virtually placed in sequence based on long-term production plan data covering variable production of the objects and fixed production plan data covering fixed production of the objects (Col. 1, lines 17-28; Col. 2, lines 57-62; Col. 4, lines 13-29); and parts ordering means for determining parts and the number of the parts necessary for manufacturing the objects on the virtual production line prepared by the virtual production line preparation means (Col. 1, lines 48-52; Fig. 6(1)), as well as calculating the parts ordering timing based on a production timing of the objects and parts delivery lead time (Col. 4, lines 41-47; Col. 5, lines 48-52; Col. 7, lines 27-28).

As for claims 4-8, 12-16 and 20-24, **Inui** further discloses,

- the parts ordering means places orders based on the calculated parts ordering timing (Col. 4, lines 41-47; Col. 5, lines 48-52; Col. 7, lines 27-28);
- the parts ordering means establishes a communication link with at least one supplier of the parts to order the parts (Fig. 1, element 21; Abstract, lines 8-9);
- the fixed production plan data relates to production of the objects over a first-time period and the long-term production plan data relates to production of the

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objects over a second time period that is longer than the first time period (Col. 1, lines 20-28, i.e., monthly corresponds to long-term and few days before actual assembly corresponds to fixed period);

- the objects are vehicles (Fig. 1, element 13);
- the vehicles are automobiles (fig. 1, element 13a).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 10-11 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inui et al. (US 5,204,821)** in view of **Nam (US 6,141,598)**.

**Inui** discloses the limitations of claims 1, 9 and 17 above but fails to disclose the limitations of claims 2-3. However, **Nam** discloses such limitations as follows:

- correction means for correcting the virtual production line prepared by the virtual production line preparation means according to actual production results of the objects (Col. 8, lines 43-46), wherein the parts ordering means places a parts order after calculating the parts ordering timing based on the corrected virtual production line (Fig. 4A, S113 and Fig. 4B, S115, S135, S136; Col. 8, lines 42-51);

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- the correction means changes the virtual production line by correcting **at least one parameter out of** a production sequence change, a design change of the object, a production progress, and a parts procurement lead time (Fig. 7, i.e. Relabeling).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Inui** with the system of **Nam** because it would provide an improved system and method which increases productivity by balancing the assembly process so that production processes are not overburdened while others remain idle.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera  
Patent Examiner  
2/6/04



**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
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